

HONORABLE DAVID G. ESTUDILLO

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

FLEXIWORLD TECHNOLOGIES, INC.,

Plaintiff,

v.

AMAZON.COM, INC., AMAZON.COM
SERVICES, INC., AMAZON WEB
SERVICES, INC.,

Defendants.

Case No.: 2:21-cv-01055-DGE

**JOINT STIPULATION AND ORDER
CONCERNING PLAINTIFF'S FIRST
AMENDED COMPLAINT**

**NOTE ON MOTION CALENDAR:
October 7, 2024**

JURY TRIAL DEMANDED

Pursuant to Local Civil Rule 15(b), Plaintiff Flexiworld Technologies, Inc. ("Flexiworld"), by and through counsel, and Defendants Amazon.com, Inc., Amazon.com Services LLC, and Amazon Web Services, Inc. (collectively, "Amazon"), by and through counsel, stipulate and agree as follows:

WHEREAS, Plaintiff Flexiworld intends to file a First Amended Complaint on October 7, 2024, a redline showing the proposed changes is attached hereto as Exhibit A;

WHEREAS, Amazon intended to file a Second Amended Answer to Plaintiff Flexiworld's Original Complaint on October 7, 2024 to include a defense of unenforceability under the doctrine of prosecution laches;

WHEREAS, the parties wish to avoid unnecessary briefing and instead consent to filing of certain amended pleadings;

1 WHEREAS, Flexiworld has had notice of Amazon's defense of prosecution laches since
2 at least August 30, 2024;

3 WHEREAS, Flexiworld has agreed to not object to Amazon's defense of prosecution
4 laches as untimely if raised in response to Flexiworld's First Amended Complaint;

5 WHEREAS, Amazon requires additional time to analyze the additional facts and
6 allegations in the First Amended Complaint;

7 WHEREAS, the parties have agreed to extend the date for Amazon to answer, move or
8 otherwise respond to Flexiworld's First Amended Complaint by sixty (60) days, up to and
9 including to December 20, 2024;

10 IT IS HEREBY STIPULATED by and between Plaintiff Flexiworld and Defendant
11 Amazon, that Defendant Amazon consents to Flexiworld filing the First Amended Complaint on
12 October 7, 2024 provided that Defendant Amazon shall have up to and including December 20,
13 2024 to answer, move or otherwise respond. It is further stipulated by and between Plaintiff
14 Flexiworld and Defendant Amazon, that Plaintiff Flexiworld will not assert that Amazon pleading
15 the defense of prosecution laches in untimely in any Answer to the First Amended Complaint.

Dated: October 7, 2024

By: s/ C. Austin Ginnings By: s/ Michelle E. Irwin

Timothy E. Grochocinski (pro hac vice)
 Illinois Bar No. 6295055
 C. Austin Ginnings (pro hac vice)
 New York Bar No. 4986691
 NELSON BUMGARDNER CONROY
 PC
 745 McClintock Road, Suite 340
 Burr Ridge, Illinois 60527
 708.675.1974 (telephone)
 E: timothy@nelbum.com
 E: austin@nelbum.com

Tyler L. Farmer, WSBA #39912
 Shane P. Cramer, WSBA #35099
 Chelsey L. Mam, WSBA #44609
 Bryan Cave Leighton Paisner LLP
 999 3rd Avenue, Suite 4400
 Seattle, Washington 98104
 Tel: 206-623-1700
 E: tyler.farmer@bclplaw.com
 E: shane.cramer@bclplaw.com
 E: Chelsey.mam@bclplaw.com

*Attorneys for Flexiworld Technologies,
 Inc.*

Michelle E. Irwin (WSBA No. 58951)
 FENWICK & WEST LLP
 401 Union Street, 5th Floor
 Seattle, WA 98101
 Telephone: 206.389.4510
 Facsimile: 206.389.4511
 Email: mirwin@fenwick.com

J. David Hadden, (*admitted pro hac vice.*)
 Saina S. Shamilov, (*admitted pro hac vice*)
 Ravi R. Ranganath, (*admitted pro hac vice*)
 FENWICK & WEST LLP
 801 California Street
 Mountain View, CA 94041
 Telephone: 650.988.8500
 Facsimile: 650.938.5200
 Email: dhadden@fenwick.com
 sshamilov@fenwick.com
 rranganath@fenwick.com

*Counsel for Defendants Amazon.com, Inc.;
 Amazon.com Service LLC; and Amazon Web
 Services, Inc.*

ORDER GRANTING STIPULATED MOTION (DKT. NO. 179)

By stipulation of the parties (Dkt. No. 179), the Court orders as follows: Plaintiff may file a First Amended Complaint, dated October 7, 2024. *See* Fed. R. Civ. Pro. 15(a)(2); (Dkt. No. 180.) Defendant shall file an amended response no later than December 20, 2024, and may add a defense of prosecution laches. Plaintiff shall not object to the defense of prosecution laches as untimely if raised in response to the First Amended Complaint.

IT IS SO ORDERED.

DATED this 21st day of October, 2024.



David G. Estudillo
United States District Judge

E: tyler.farmer@bclplaw.com
E: shane.cramer@bclplaw.com
E: Chelsey.mam@bclplaw.com

Attorneys for Flexiworld Technologies, Inc.

1 FENWICK & WEST LLP

2 By: s/ Michelle E. Irwin

3 Michelle E. Irwin (WSBA No. 58951)

401 Union Street, 5th Floor

Seattle, WA 98101

Telephone: 206.389.4510

5 Facsimile: 206.389.4511

6 Email: mirwin@fenwick.com

7 J. David Hadden, (*admitted pro hac vice.*)

8 Saina S. Shamilov, (*admitted pro hac vice*)

9 Ravi R. Ranganath, (*admitted pro hac vice*)

FENWICK & WEST LLP

801 California Street

Mountain View, CA 94041

11 Telephone: 650.988.8500

12 Facsimile: 650.938.5200

Email: dhadden@fenwick.com

sshamilov@fenwick.com

13 rranganath@fenwick.com

14 *Counsel for Defendants Amazon.com, Inc.;*

15 *Amazon.com Service LLC; and Amazon Web Services, Inc.*